

UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

July 11, 2012

No. 12-1595

UNITED STATES OF AMERICA

v.

PHIL A. SIMON,
Appellant

(W.D. Pa. No. 10-cr-00572-001)

Present: **Hardiman, Greenaway, Jr., and Vanaskie** , Circuit Judges

1. Motion by Appellee for Summary Dismissal Based on Defendant's Waiver of Appeal;
2. Anders Motion by Olubukola O. Adetula, Esq. for Appellant to be Relieved as Counsel;
3. Anders Brief and Appendix Volume I in Support of Motion to be Relieved as Counsel;
4. Appendix Volume II in Support of Motion to be Relieved as Counsel.

Respectfully,
Clerk/MB

Calendared: October 26, 2012

ORDER

Because it is clear that Appellant knowingly and voluntarily entered into a plea agreement containing a waiver of certain appeal rights, that his appeal falls within the scope of the appellate waiver, and enforcing the appellate waiver will not result in a miscarriage of justice, it is hereby ordered that the Government's Motion for Summary Dismissal Based on Defendant's Waiver of Appeal is granted, and the judgment of the District Court is affirmed. *See United States v. Corso*, 549 F.3d 921, 927-932 (3d Cir. 2008); *United States v. Gwinnett*, 483 F.3d 200, 203-206 (3d Cir. 2007). It is further ordered that the motion of Appellant's counsel for leave to withdraw his representation in this case is granted.

By the Court,

/s/ Thomas I. Vanaskie
Circuit Judge

Dated: February 15, 2013

tmk/cc:

Mark E. Coyne, Esq.

John F. Romano, Esq.

Olubukola O. Adetula, Esq.

Phil A. Simon



**Certified as a true copy and issued in lieu
of a formal mandate on 04/29/13**

Teste: *Marcia M. Waldron*

Clerk, U.S. Court of Appeals for the Third Circuit